

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL NOTE**

**SB 2971 - HB 3269**

February 24, 2010

**SUMMARY OF BILL:** Creates a new Class C felony offense for a person knowingly and unlawfully to manufacture, attempt to manufacture, or initiate the process to manufacture methamphetamine in a residence where a child resides who is younger than 13 years of age. States that it is a specific and separate offense and will be charged in addition to the underlying charge of manufacture of a controlled substance under Tenn. Code Ann. § 39-17-417, attempt to manufacture a controlled substance, or the initiation of a process intended to result in the manufacture of methamphetamine under Tenn. Code Ann. § 39-17-435.

**ESTIMATED FISCAL IMPACT:**

On February 17, 2010, we issued a fiscal note reflecting *an increase in state expenditures of \$7,911,700/incarceration\**. Based on additional information received from the Department of Children's Services, the fiscal impact of the bill is as follows:

**(CORRECTED)**

**Increase State Expenditures - \$20,456,400/Incarceration\***

**Assumptions:**

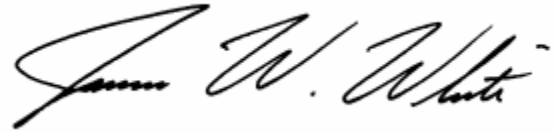
- According to the Department of Children's Services, there has been an average of 260 cases in each of the past two years where a child less than 13 was present during the manufacture of methamphetamine.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 27 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 287 offenders.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class C felony is 3.26 years (1,190.72 days). The cost per offender at 3.26 years is \$71,276.50. The total additional operating cost for 287 offenders is \$20,456,355.50 (\$71,276.50 x 287).
- Any impact to the state trial courts can be accommodated within existing judicial resources without an increased appropriation.

**SB 2971 - HB 3269 (CORRECTED)**

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc